

Art Unit: 3723

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

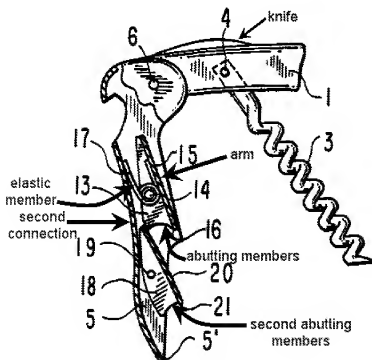
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 33-39 and 43-44 are rejected under 35 U.S.C. 102(a or e) as being clearly anticipated by Brucart Puig et al (6176154).

Brucart Puig et al discloses an elastic member “17” that exerts a force to move the arm “13” away from the screw.

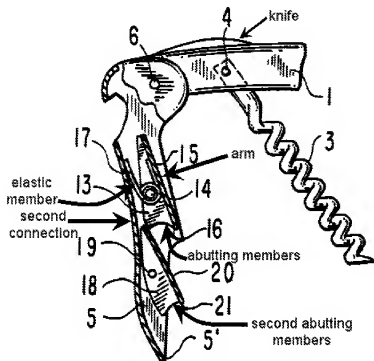


3. Claims 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brucart Puig et al (6176154) in view of Cellini (5887305).

Brucart Puig et al discloses all of the claimed subject matter except for having a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members. Cellini discloses a corkscrew having a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members. It would have been obvious to one having ordinary skill in the art to form the device of Brucart Puig et al with a cutting arrangement including a stationary portion, a displaceable support portion, cavities, a recess, and wheel shaped cutting members to allow for the seal on the bottle to be cut as taught by Cellini.

4. Claims 40-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Applicant's arguments set forth in the Request for Reconsideration, filed April 1, 2008, with respect to claim 33 have been fully considered and are persuasive. The previous rejections have been withdrawn. However, in view of the newly applied art, applicant's arguments filed April 1, 2008 are not persuasive.

See Brucart Puig et al (6176154) which discloses an elastic member "17" that exerts a force to move the arm "13" away from the screw.



6. Applicant's amendment, filed November 30, 2007, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S Meislin/
Primary Examiner
Art Unit 3723

18 April 2008